LEGISLATIVE BUSINESS.

THE TRAVANCORE BAR COUNCIL BILL. (*contd.*)

Clause 9. (*contd.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Last evening, I was dealing with the motion of Mr. Damodaran Asan that sub-clause (*e*) of Clause 9 (2) be omitted. This clause enables the Bar Council to make rules for charging fees payable to the Council in respect of enrolment. I was saying last evening that this provision was unobjectionable in-as-much as it would be recognised without any doubt that the Council should have some source of revenue, and the most readily available source of revenue would be a fee in respect of the enrolment of advocates. But Mr. Asan points out that in the previous section it is provided that fees may be prescribed by Government. I have considered the matter and I find that that these two provisions are somewhat inconsistent. If this Bill proceeds to the next stage, I intend to propose suitable amendments to clause 8 (2). That will make the provisions quite consistent.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : In view of that fact, I do not want to press my amendment.

MR. K. C. ABRAHAM (*Kottayam II*) : I beg to move that :—

Sub-clause (*3*) *to Section 9 be deleted. Sub-clause* (*3*) *reads thus* :

> "Such rules shall also provide for the first and the second grade pleader enrolled as vakils of any Civil Court in Travancore before the first day of Chingom 1113 M. E. being qualified to apply for admission as advoates as the result of an examination held from time to time by or under the supervision of the Council.

It seems to me that there must be some protest outside this House against the idea contained in the amendment ; but, nevertheless I shall try to make headway so as to make clear what exactly is the purport of the amendment. In the first place, I wish to observe that by this amendment it is not meant to offend the feelings of any individual or class of persons. It is only from the larger point of view, not I am sure of administrative expediency, but what I would call the requirements of the administration of justice, that I wish to move this amendment. The Vakils' Regulation has been lying in the Statute Book of the State and from 1040 and 1075 these Regulations have been working on. It was never considered or even whispered as the legitimate aspiration of the 1st and 2nd grade pleaders that they should be admitted to the rank of High Court Vakils. But now I understand that when this Bill has been introduced for the consolidation and the creation of a corporations of the Bar as a whole, there is an aspiration on the part of the pleaders who are as yet qualified or recognised to be qualified only to practise in the lower courts to be enrolled as advocates of the High Court. I might personally say that, on account of the admission of these classes of

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[Mr. K. C. Abraham.]

pleaders, there is not going to be any great catastrophe so far as the administration goes, except it be that this addition of new hands, which by all recognised principles of administration of justice have been considered to be unqualified for the purpose of administering higher departments of law and for carrying on judicial administration in the higher walks, will be allowed admission into those portals of justice where they have been hitherto considered unqualified. Sir, in considering this question, I think that it is not exactly the question of personal merit that is to be considered, but the question of capacity and qualification and the equipment necessary for the purpose of helping and carrying on the administration of justice. I say this because an advocate being entitled to become a judge of the High Court or a subordinate judge, it is quite possible that the pleaders might subsequently aspire even to be on the Bench of the highest court in the land. That is quite possible, and when such a contingency arises, we have to examine what would be the kind of material that would be qualified for the purpose of filling the Bench and ministering at the Bar. There was a few years ago a report by the Law's Delays Commissioner in which it was very distinctly stated that there was not even a whisper of the first and second grade pleaders being aspirants to the place of High Court Vakils or, for that matter, that there was any necessity for altering the law prescribing the qualification for enrolment as High Court Vakils, I believe that the system has been working satisfactorily. Now at a time when the Bar is sought to be made more efficient and welded into a corporate institution, and though not directly, indirectly, to raise the level and standard of the Bar as such, so as to hold its own with the Bar elswhere and, as I understand, also to keep our heads high when the federal scheme of things comes into existence when the advocates practising in the courts of the Federated States also are allowed to practise before the Federal Court, it seems to me nothing less than ridiculous for this country to lower the standard of the Bar by the admission of such material as can never aspire to practise before the shighest court in the land, with learning or efficiency. Sir, as I paid, there has been a lot of encomiums showered upon the fractitioners in the mofussil by the Law's Delays Commissioner. In act, it has been found that they are best fitted for adequately carrying on the work to which they have been called. In the Munsiffs' Courts, and some times even in the District Courts it was said that those members of the Bar were able to hold their own with the best Barrister or Vakil of the High Court. That may be so. As a matter of justice, I admit that there may be individuals who might be well versed in the art of pleading and in carrying on cases from end to end. But I submit that that is no reason why the standard of the Bar as such should be lowered. In their own spheres they might have been doing their legitimate work properly. But the question is whether they have the necessary qualification and equipment to be enrolled as vakils of the High Court. It has been recognised in every civilized country that

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for the carrying on of these liberal institutions of service as I would call them they require a standard of general education and cultural attainment as the ground work of legal training. It is rather difficult to concede that in the system of law and jurisprudence as administered in our High Court it is possible for the ordinary matriculate to understand the principles and foundations of law which are the absolute essential requirements for the practitioners of the High Court. If they cannot understand the principles, I do not know how through a test examination they could be carried through the entrance hall of the High Court Vakils' or Advocates' particular preserve. Therefore, my submission is that this provision as it stands is derogatory and retrograde. It goes back upon the established principles in this country to admit them into the High Court. I do not know what exactly the consequences will be in relation to the Bar as it would develop with the coming in of Federation. It would be a very sorry thing to see the Bar of the State looked upon by sister High Courts as inferior. I dare say that the infiltration of these first and second grade pleaders into the ranks of advocates will necessarily result in that great calamity. Therefore I leave this amendment to the sense of fairness and justice of the House.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the member is aware that in Bombay, under the Bar Councils Act, matriculates and school finals who appear and pass the Advocates' examination, can become advocates of the Bombay High Court ?

MR. K. C. ABRAHAM (*Kottayam II*) : I am aware that there is a rule in Bombay enabling first and second grade pleaders to become advocates of the Bombay High Court by passing an examination. But my humble view is that such a rule should not be introduced in this country.

PRESIDENT : The honourable member might as well have added that those advocates are not entitled to practise on the original side of the Bombay High Court.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I rise to second the amendment moved by my friend Mr. Abraham. I do so under an impelling sense of duty. A good deal of agitation has been carried on and the amendment has been the subject of a large number of protesting resolutions from various meetings convened by pleaders of the two classes. I believe that there has been a great misunderstanding on the part of these men who think that there is something against them in this amendment. I wish to disabuse their minds of that. It may be said that the people who are now practising in the High Court will be jeopardized by an influx of people who are now practising in the lower courts and who may pass the examination to be held under the supervision of the Bar Council and come and practise in the High Courts. That is not the question at all. I do not think many of the pleaders will care to appear for this examination and come up to the High Court

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[Mr. K. Kunjukrishna Pillai.]

and, even among those who appear for the examination, many may not come out successful. I am told that even in Bombay many have not availed themselves of the opportunities of practising as advocates by passing the examination. It is not therefore because of any apprehension of that kind that I stand up now to support this amendment. But Sir, as it has been pointed out we are going to become a part of the Federation. Our High Court and our Bar and our advocates will be entitled to practise before the Federal Courts.

PRESIDENT: Order, order. I think it may be useful for honourable members to know that, whether any particular State joins the Federation or not, the Federal Court will come into existence this October and the right of practising in the Federal Court will arise independently of our joining the Federation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Therefore irrespective of the fact whether we join the Federation or not, the Federal Court will come into existence, and it will be a great and valued right for the advocates of our High Court to get the right of practising in the Federal Court. The question of their admittance to the Federal Court will depend upon qualifications we fix for advocateship in our High Court. There has not been any recommendation in recent times for lowering the qualifications of advocates. I am at a loss to find any reason for lowering the qualifications for practising in our High Court. An argument has been built up on a statement made by the Law's Delays Commissioner.

At page 815 of the report of the Law's Delays Commissioner, the following statement appears:

> "This suggestion is not meant as a disparagement of the very valuable work that is being turned out by the pleaders who now practise before the subordinate courts in the land. As a rule they are the acknowledged leaders of the Bar in the mofussil, and many of them will, in point of professional skill and experience hold their own with the most successful Barrister or Graduate-in-law and their local influence as leaders of public opinion cannot also be underrated."

Sir, a good deal of argument has been built upon this laudatory sentiment expressed by the Laws' Delays Commissioner. If we read the whole paragraph dealing with the congestion at the Bar, we find that this laudatory sentiment was expressed merely to say in the end that hereafter these people who are now practising in the lower courts should not be allowed to appear in courts, but should only be allowed to act as attorneys to Graduates in-law who might be going to moffusil courts. Therefore the Law's Delays Commissioner has been definitely against the enhancement of jurisdiction if I may say so of the first and second grade pleaders. He has referred to their invaluable service and used all that sort of kindly phraseology merely to deprive them even of their present rights.

He has definitely stated:—

> "The problem should be approached not so much from the standpoint of administrative expediency, as from that of efficiency in the administration of

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justice. Litigation has grown not only in volume but also in complexity; and a practitioner can really assist the court, only if his general education and special attainments are such as to enable him to understand and to apply intelligently the decisions on the various questions of law that crop up from day to day. These considerations lead me to the conclusion that there is no longer any need for a class of lawyers with a lower standard of education and attainments than that of the Graduates-in-law".

Thus the opinion of the Law's Delays Commissioner is definite on this point. Nobody denies the useful work of the first and second grade pleaders in the mofussil courts. But everybody admits that practising in the High Court is different from practising in the mofussil courts. Of course, there may be exceptions in every group of lawyers. There may be people who are extraordinarily able and who may shine even in the High Court. But, is it wise, in order to provide for such rare and phenomenal exceptions, to depreciate the value generally, of our Bar?

That is the question we have to consider. My friends who happened to sympathize with the first and second grade pleaders' cause should also consider this question dispassionately and not from the point of view of conferring benefits to the first and second Grade pleaders or of depriving the advocates, of some benefits. For, these questions do not arise. We have now to consider the question of efficiency and prestige of the Bar of this State. That is what I want. If we consider the question from the larger aspect and from the general point of view, I am sure, my friends who advocate the cause of the first and second grade pleaders will surely come to the conclusion that it is not wise to provide for a general lowering of the standard of the High Court Bar to provide for very rare exceptions who might be benefited by it.

Sir, it has been pointed out that in the Bombay High Court, people who are matriculates, or who have passed the School Final Examination are also allowed to appear for a general test, and, if they pass such test, are allowed to practice in the High Court. But it has been pointed out that there are certain restrictions imposed on them.

MR. S. J. NAIR (*Nedumangad*): May I know from the member what is the sort of restriction imposed in Bombay?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It has been pointed out by the Chair that the people who pass these tests are not allowed to appear as Vakils on the original side.

PRESIDENT: As for that matter, in Bombay, only Barristers can practise on the original side.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Further granting for arguments' sake that what is adopted in Bombay should be blindly followed here, even then, I cannot understand the object of Clause 3 as introduced by the Select Committee. Why should the benefit be restricted only to people who have been fortunate enough to be enrolled as Vakils till 1st Chingam 1113. In Bombay, there is no such restriction. Anybody who passes the advocates' test is allowed to practice

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in the High Court. Why should the authors of Clause 3 make it a close preserve for themselves? Once they concede that there may be a lowering of the standard, I cannot understand for a moment why there should be a restriction at all? Why not all people be given the same rights? The present clause is not so comprehensive as to include people who have never practised in courts before 1113.

Sir, the Pleadership Class has already been abolished. This is merely an attempt now to provide for the existing pleaders a higher position so that they may practise in the High Courts. One other aspect has also to be considered. It has been recorded by the Laws Delays Commissioner, as well as by the Indian Bar Committee who went into the question, that an abnormal increase of practitioners leads to a deterioration of the bar as a whole and conduces to and even accentuates the delay in courts. It has also been pointed out by the Indian Bar Committee that one of the primary objects of every Bar should be to eradicate the evil of touting. Where admissions are large, touting has increased apace. It will be going against the spirit of the Bar Councils Act to provide for a rush or an abnormal increase of practitioners. The Indian Bar Committee in their Report, say—

> "One of the principal causes of the existence of this evil is the serious over-crowding of the legal profession. Touting has undoubtedly increased with the increase in the numbers admitted. It would appear that in some Provinces in the near future there will not be any necessity to retain the lower grades of legal practitioners. If the profession of the law is closed to all but those who have qualifications entitling them to practise in the High Courts and the qualifications of entrants are raised, the number admitted should not be excessive and it may be possible to enforce a higher standard of discipline.
>
> We trust that the Bar Councils will regard the suppression of touting as one of their principal concerns."

The Bar Council that is to come into existence in Travancore will, I am sure, also be exercising themselves strenuously to stop this evil of touting. It will be the greatest impediment that we can place in their way if we provide for an abnormally large increase in the number of Advocates.

The Laws Delays Commissioner gives the figures of graduate Vakils and pleaders. There were about 700 and odd graduate Vakils at the time when the Commissioner published his report, that is in 1932. According to the rate of increase as shown by him, the figure will now be a little less than 1,000. The number of pleaders at that time was 1,008 and their number will come to about 1,200 now. Let us take it that all these people are admitted for the examination. I must say frankly, Sir, that I am not much of a believer in the conduct of examinations by this Bar Council. There is the likelihood of the examinations being very lax, and the Bar Council may be induced to be very generous. There are various reasons for that. The facts and circumstances which made it possible for this clause to find a place in the Bill at the Select Committee stage, I trust, will operate with equal effectiveness in the matter of examinations as well. We

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must take account of that. I do not mean any disparagement to the Bar Council that is to come into existence. I apprehend that a large number of people may come in through this door of examinations held under the supervision of this Bar Council. I am sure, that will surely deteriorate the standard of the Advocates in our State. Even if we grant for a moment that the examinations will be strict and will prove a real test, we will have to take into account outside opinion in regard to this matter; because, we are going to enact this measure at a crucial time in the history of our land. This provision will be a point for people outside to decry us; they may say that the bar here consists of a vast majority of people who have not even passed the school final examination, for even those who were not qualified S. S. L. C. holders, were being freely admitted into our Pleadership Classes, and many of them have passed the Pleadership examination and *are* Vakils. If general education is a test, whatever may be one's intelligence or one's success at the Bar, it cannot be denied that their lack of general education will be a great handicap to the Bar Council to which they are to form the electorate and which, under this measure, is going to have substantial control over the administration of justice in the country. According to this Bill, large powers of disciplinary control are to be transferred from the High Court to the Bar Council. Members to the Bar Council are to be elected by an electorate consisting of all these unqualified people, I mean persons who have come through the door of examinations held by the Bar Council. We must also visualise the outlook of these people whatever might be the examination that may be prescribed. They will have the consciousness that they form a separate group within the Bar. It is very difficult to get rid of that consciousness. They will form a clique inside the Bar Council. That is far from the intentions of the Bar Council Act. The very object of the enactment is to build up a homogeneous Bar. That will be a psychological impossibility under this provision. It is but natural; no legislation can obviate that. They will form a clique; they may be clever at manoeuvring and they may succeed in getting control over the Bar Council and gentle men like Mr. K. C. Abraham may be victimised and they will have no place in the Council. Really eminent advocates will be excluded. On the whole the Bar Council which is to be entrusted with the discharge of the important duties which are now being discharged by the highest tribunal in the land will be left to a class of people who are, in any event, new in the field. Sir, this will have serious repercussions.

I have already pointed out, Sir, how this will create a great impediment in the way of the Council combating the evil of touting. According to expert opinion touting increases with numbers. And you are providing for increase of numbers indefinitely. The provision is not consistent with the spirit of the measure.

MR. S. J. NAIR (*Nedumangad*): May I ask whether touting has not increased amongst the High Court Vakils?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It must be admitted that there is touting. One of the reasons why the Bar Council Act is to be passed is to check the evil of touting. That evil has to be combated. I say that the admission of larger numbers of Vakils will be an impediment in the way for the eradication of the evil of touting. I hope my friend will realise that. That is the reason why I say that the admissions must not be prolific.

There is one other point I wish to state. This is a matter which requires very serious consideration. The Select Committee would have done better if they had consulted the High Court in this matter. I consider that a matter of paramount importance, because we are going to transfer certain powers from the High Court to the Bar Council; so the opinion of the High Court would have been of very great assistance. It must be admitted that this House itself on a previous occasion virtually rejected the idea of allowing First and Second Grade Pleaders becoming Advocates. The Law Member then stood up and very strongly opposed that idea. I am not in a position to understand the silence of the Law Member, as revealed by the Report of the Select Committee.

PRESIDENT: Probably the Law Member does not want to interrupt the honourable member. That is the reason for his silence.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I am referring to the Report of the Select Committee, and to the list of amendments. There is no amendment in the name of the Law Member. Probably it may be because my friend Mr. K. C. Abraham has brought forward an amendment; the Law Member may support it. That is another matter. It would have been a very valuable guidance to this House if he had noted his opinion on this important amendment and it would have been a real help to the House in carrying on the discussion. I hope he will give us the benefit of his opinion on this matter. It is very necessary for us to have it. I think the House will realise the very serious import of the clause that has been introduced by the Select Committee. That is a matter on which the House has once signified its dissent by an overwhelming majority. Unless there are overwhelming reasons, I am sure this House will not revise its decision. The Bill brought forward by my friend Mr. S. J. Nair, comprising this idea, was not allowed even to be introduced. It was rejected.

MR. S. J. NAIR (*Nedumangad*): May I correct the member? It was not rejected.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If it was not rejected the member might have withdrawn it and there was very great difficulty for him even to withdraw it.

MR. S. J. NAIR (*Nedumangad*): It was withdrawn on the assurance given by the Law Member that the principle involved in my Bill would be taken into consideration when the Bar Council Bill is introduced It was on that assurance that I withdrew the Bill.

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MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I rise to oppose the amendment brought forward by Mr. K. C. Abraham. In the first place the Select Committee appointed by this House after considering th question in all its aspects have adopted in the Bill this provision which is now sought to be deleted by the present amendment. Sir, the opinion of the Select Committee on such matters is entitled to great weight and shall not be allowed to be lightly brushed aside. One of the arguments advanced in support of the amendment is that this provision, if accepted, will lower the status of the Travancore High Court and of the High Court Bar, on account of the inclusion of the First and Second Grade Pleaders in the category of the advocates. This is obviously not a valid ground for the deletion of the sub-clause under discussion. Because there is no case that the Bombay High Court is in any way inferior in status or efficiency to any other chartered High Courts in British India.

PRESIDENT: Unless honourable members are careful enough to realise the full implications of these statements it will be misleading to make them. I may mention at once that the Advocate General of the Madras High Court was not allowed to practise on the original side of the Bombay High Court after this rule was passed on the ground that he was not a Barrister and also on the ground that the High Court reserves to itself the right to allow or not to allow people to argue on the original side, which alone after all, really matters in Bombay. The Advocate General and the retired Chief Justice were not allowed to practise on the originial side of the Calcutta High Court, on the same ground. Each High Court has got its own standards and rules. Merely stating that the Bombay High Court has passed rules enabling pleaders to practise before the High Court does not lead us anywhere. It is better to deal with the discussion on the merits without reference to what is taking place elsewhere; because there are many exceptions which cannot be dealt with unless the honourable member is prepared to refer to all the rules of the Bombay High Court and go into the matter in some more details.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am in possession of the rules of the Bombay High Court. Even today under the rules of the Bombay Advocate's Examination passed under Clause (*c*) of Section 15 of the Indian Bar Council Act of 1926, all persons who pass the Bombay Advocate's Examination are entitled as of right to be enrolled as Advocates of the Bombay High Court. The qualification prescribed under the rules to appear for the Bombay Advocate's Examination is only School Leaving Certificate Examination and not even the Pleadership Examination or practice at the subordinate Civil Courts' Bar. Therefore the argument in support of the amendment on the score of the graduate standard of general education falls to the ground. Sub-clause (3) of Clause 9 of the Bill is only a provision for direct recognition of the right by which the First and Second Grade Pleaders can become even today the vakils of the Travancore High Court without passing the B. L. Degree Examination. Even according to the

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present system of law in Travancore, under rule 411 of the Civil Court Guide, First and Second Grade Pleaders of Travancore can become vakils of the High Court in Travancore if they get themselves enrolled as Advocates of the Bombay High Court after passing the Advocate's Examination. Rule 411 of the Civil Court Guide says —

> "No one shall be eligible for enrolment as a Vakil of the High Court of Travancore unless he is a Barrister-at-Law or a member of the Faculty of Advocates of Scotland or a Doctor or Master of Laws of any University in British India or an enrolled Advocate, Vakil or Attorney of a Chartered British Indian High Court or a Bachelor of Laws".

Under this rule it is clear that an enrolled advocate or vakil of a Chartered British Indian High Court can become a High Court Vakil in Travancore. The First and Second Grade Pleaders in Travancore are persons who have passed the School Leaving or Matriculation Examination and who can very well appear for the Bombay Advocate's Examination. After passing the Advocate's Examination they can get themselves enrolled as vakils of the Bombay High Court and the next day they can apply for a *sanad* to practise before the High Court of Travancore. So, my submission is that the present provision is only a direct recognition of the existing vested right of the First and Second Grade Pleaders, and there is nothing new in it. If it is possible for a Pleader First or Second Grade, to appear for the Advocate's Examination conducted by the Bombay Bar Council and then apply for a *sanad* to practise in the Travancore High Court, is it not better to make some provisions here to enable those Pleaders to appear for such a similar examination in the State itself and then apply for a *sanad* to practise in the High Court. In this connection I am constrained to observe that the honourable member who has attached a dissenting note to the report of the Select Committee is quite ignorant of the rules of the Bombay Advocate's Examination. From the arguments advanced on the floor of the House it is clear that some of the honourable members entertain a misapprehension that when First and Second Grade Pleaders are allowed to become Advocates they may also claim a right to practise before the Federal Court or to be appointed as Judges of the Federal Court. If any member of the House entertains such a fear we are quite prepared for some specific provision being made in this Bill itself to the effect that such Advocates shall not claim such a right.

MR. P. C. KURIYAN (*Kottayam I*): I would like to know whether it is competent for this House to make any provision regarding the qualification for a Vakil to practise before the Federal Court?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, so far as the Bar Council in Travancore is concerned this House is quite competent to make any provision regarding the qualification for a Vakil to practise before the Travancore High Court and consequently before the Federal Court.

PRESIDENT: What the member means is that we can make our own rules. It does not matter whether other people recognise our rules or not.

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MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*); Sir, others are also bound to recognise our rules. It is stated in the dissenting minute attached to the Report of the Select Committee—

> "In Bombay, where an examination is offered for the enrolment of pleaders as Advocates, I understand that it comprehends only the absorption of graduate First Grade Pleaders; and that is intelligible."

From the facts I have already submitted the argument based on the graduate standard of general education, falls to the ground. So, I appeal to the House for a sympathetic and generous consideration of the question and for the unanimous acceptance of the provision embodied in the Bill. Moreover a reflection is sought to be cast upon the Travancore Government or the Bar Council to be constituted in Travancore, that it may not be possible to conduct the proposed examination strictly and honestly. This may be considered as a silly argument. Because even at present, some of the Examiners for the M. L. and B. L. Examinations are members of the Travancore High Court Bar. There is no complaint as yet that they are not capable for the work entrusted to them. Considering all these aspects, I would request the House to throw out the amendment.

MR. S. J. NAIR (*Nedumangad*): Sir, I oppose the amendment. The object of the Travancore Bar Council Bill is stated in the "Statement of Object and Reasons." To quote the very words as contained in the Statement of Objects and Reasons, it is "with a view to convert the members of the legal profession in Travancore into an enormous body." With reference to the number of men who are engaged in the legal profession in Travancore, according to the Report of the Laws Delays Commissioner published in 1931, there are 835 B. Ls. in all in the whole of Travancore. Of these 286 are practising before the High Court, 478 practising before the District Courts, and 71 practising before the Munsiffs' Courts. Against this number there are 81 First Grade Pleaders and 927 Second Grade Pleaders. In other words, on the one side there are 835 B. Ls and on the other side there are 1008 pleaders. How to make all these 1843 persons engaged in the legal profession in Travancore into an autonomous body? That was the question that the honourable members of the Select Committee had to consider when this Bill was send up for their consideration. In order to raise the status and position of 1008 pleaders practising in several courts in Travancore, the Select Committee justly and rightly introduced an amendment as sub-clause (3) to Clause 9; and the honourable member, Mr. K. C. Abraham now wants to see that that amendment rightly and wisely introduced by the members of the Select Committee, is deleted.

Sir, sub-clause (3) of Clause 9 is not intended to raise the status and position of the pleaders in the State by any magic wand. By that clause it is intended to raise their position as a result of an examination to be held from time to time. Sir, the examination is to be held under the supervision of the Bar Council; and the members of the Bar

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Council will be gentlemen just like Mr. K C. Abraham, learned and at the same time prejudiced against the first and second grade pleaders as can be seen from the dissenting minute of the learned member. The members of the Bar Council under whose direction examinations are to be held, will be very particular in seeing that only a very few get through.

PRESIDENT : In other words, the honourable member suggests that they may give directions to the examiners.

MR. S. J. NAIR (*Nedumangad*) : Not exactly that, Sir. The rules have to be made by them ; the examiners will be selected by them and they will give the necessary directions to the Board of Examiners. So there need be no apprehension that all the pleaders in the State will all of a sudden would become Advocates and that they by their cleverness would oust the.....

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : If that is so, why should the member be particular in having that sub-clause ?

MR. S. J. NAIR (*Nedumangad*) : In order to satisfy the object of introducing the Bar Council Bill. It has been already stated that the object of the introduction of the Bar Council Bill is to make the legal practitioners in Travancore an autonomous body. How can that be achieved if more than one thousand persons who pursue the practice of law in the State are excluded ? That object can only be served by absorbing the pleaders also to the same status as that of the Advocates. In order to see this accomplished the provision in sub-clause (3) to Clause 9 has been made by the Select Committee.

Then Sir, it is seen from the amendment that, only by passing an examination, the pleaders could enrol themselves as advocates and practise in the High Court. Well, Sir, the Bar Council will see that the pleaders should undergo a very difficult test for this. If any pleader satisfies that test what objection is there in permitting him to get himself enrolled as an advocate and practise in the High Court ? I may say, that our Bar Council Bill is more or less on the lines of the Indian Bar Councils Act. Under Section 15 (c) of the Indian Bar Councils Act, 1926, the Bar Council of the High Court of Judicature at Bombay have passed certain rules to hold the Advocates' examination. Those rules have been published under Section 15 (c) of the Indian Bar Councils Act, 1926 under No. 2427 at pages 938 to 941 of the Bombay Government Gazette, dated 23rd April 1931. Under these rules, Sir, an examination known as Advocates' Examination is being held twice every year under the supervision and direction of the Bombay Bar Council, and the following persons are eligible to appear for the examination privately : " Every candidate for the examination.....

PRESIDENT : Order. Order. I indicated beforehand that it would be misleading to refer to these rules. I have myself had occasion to preside over the All India Lawyers' Conference in 1924 and we had a discussion there on this very matter. From that time I have been taking a keen interest in it. As this matter is of paramount importance

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I shall state a few facts to help the present discussion. It is not true that the Bombay High Court has passed rules enabling people to become advocates entitled to practise on all sides of the Bombay High Court. It is true that certain rules have been passed, and an examination is held to enable persons to become advocates as they are called. But these advocates, under the rules referred to by my learned friend cannot practise on the original side of the High Court. Advocates who are not graduates in Arts or are not Barristers cannot practise on the original side of the Bombay High Court. Both in Bombay and in Calcutta, an advocate who is a Barrister and a Graduate in Arts and in Law can alone practise on the original side. The reason why I mention this is that, in Bombay and Calcutta, the original side is supposed to be the most important side of the High Court. Even in Madras, formerly, only Masters of Law were allowed to practise before the High Court . it was only comparatively recently that Graduates-in-Law were allowed to practise before the High Court.

Therefore the rules relied upon by the honourable member do not relate to the right to practise on the original side. The honourable member will do well to refer to paragraphs 37, 38, 39 & 40 of the Indian Bar Committee's Report.

MR. S. J. NAIR (*Nedumangad*): Sir, the general qualification prescribed to appear for the Advocates' examination at Bombay are the Matriculation Examination of the Bombay University or the School Leaving Certificate Examination from the Joint Examination Board, or the School Leaving Certificate Examination from the School Leaving Examination Board of the Bombay University, or an examination recognised by the Bar Council as equivalent to or corresponding with the School Leaving Examination of the Bombay University or any examination from time to time prescribed by the Bar Council as an Examination on passing which a candidate becomes eligible for being admitted to the examination. These are the examinations prescribed, in Bombay as general qualification for admission to the Advocates' examination. Moreover, he or she should be a person of good moral character and he or she should be a subject of the King Emperor or a subject of a Native Prince or State in India under the suzerainty of His Majesty, either by birth or naturalisation.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Why not leave it to the High Court to frame the rules for the examination?

MR. S. J. NAIR (*Nedumangad*): The rule-making powers are vested with them. There is absolutely no provision in the Bill which refuses the High Court the right to make the necessary rules with regard to this examination. And the advocates who pass the Bombay Advocates' Examination are entitled to be enrolled as advocates of the Bombay High Court and can practise there on the appellate side.

PRESIDENT: Conditions in the Bombay High Court are very peculiar. They have 11 Judges and 7 of them sit on the original side. The number of cases instituted in the appellate side does not come to

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even half of the total number instituted in the Bombay High Court. The Bombay High Court, on the appellate side, is really considered to be a Cinderella.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member whether there is any original jurisdiction for the Travancore High Court except on matters relating to contempt of court?

MR. S. J. NAIR (*Nedumangad*) : No, there is no original side here. Why I advert to the rules at Bombay is to make the honourable members of this House understand the position of advocates in Bombay. As has been pointed out by my friend Mr. T. P. Velayudhan Pillai. under rule 411 of the Civil Courts Guide even the S. S. L. C. advocates of Bombay are entitled as a matter of right to get *sanads* to practise before this High Court. If such persons who have passed only S. S. L. C. Examination can by paying Rs. 50 as examination fee to the Bar Council at Bombay and by getting through that examination practise on the appellate side of the Bombay High Court and get *sanads* for our High Court also, what objection is there in retaining the present provision in our Bar Council Bill.

MR P. C. KURIYAN (*Kottayam I*) : May I know from the member whether there is no other way at present for the pleaders to get a High Court *sanad* than by passing the Bombay test?

MR. S. J. NAIR (*Nedumangad*) : There is certainly another course open to the pleader. If he is in a position to waste Rs. 8,000 for going to Ireland and qualifying himself as a Barrister, he will be entitled to practise not only before the Travancore High Court, but before all High Courts in the Indian Empire, as well as in the British Dominions.

MR. P. C. KURIYAN (*Kottayam I*) : Is the member aware that by taking the B. A. and the B. L. degrees they can practise in our High Court?

MR. S. J. NAIR (*Nedumangad*) : No Sir, the B. Ls after passing the B. L. examination cannot practise in our High Court. They will have to practise first in the District or in the Munsiffs' Courts at least for one year. Then they will have to pass the High Court Test examination before getting a *sanad* to practise in the High Court, or they should have five years practice in a subordinate court. But these rules are going to be changed now under this Bill.

MR. P. C. KURIYAN (*Kottayam I*) : What prevents the pleaders from passing the B. L. degree examination and the High Court Test?

MR. S. J. NAIR (*Nedumangad*) : Nothing prevents any man or any woman from passing the B. L. examination. But why should we waste our time, why should we waste our money; why should we waste our energy; and why should we waste our brains by unnecessarily passing the B. L. examination to practise in the High Court (*Laughter*).

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Well Sir, the profession of law is an art, it is not a trade. It is a very well known fact that even today there is none to rival pleaders like the late Shencotta Ramier and Kavalam Neelakanta Pillai. The famous lawyers of our High Court like our Deputy President, the Law-member, Mr. Kukilliya cannot stand comparison with them. Our present Head Sirkar Vakil was a junior under Mr. Paramesvaran Pillai, a pleader. Almost all the lawyers in Trivandrum were juniors under this famous pleader. Even today there are many B. Ls. who are undergoing training under pleaders. If we go to the office of Mr. Narayanan Nair a pleader, we can see not less than a dozen B. Ls. undergoing training in his office. I submit, therefore that since the profession of law is an art, so long as the control and guidance of the examination are to be vested in the Bar Council there can be no objection to the provision contained in sub-clause (3) of Clause 9.

Sometime back I introduced the Vakil's Regulation Amendment Bill. Leave to introduce the Bill was granted without any objection on 15-10-1109. It was formally introduced on 11-10-1110. It was taken into consideration and a heated discussion ensued. Many gentlemen like Mr. P. K. Narayana Pillai, who was one of the greatest lawyers and was also a judge of the local High Court supported the principle of the Bill. But when the discussion of the Bill was in progress the Law Member on behalf of Government assured me that the principle contained in my Bill would be considered when the Bar Council Bill is introduced. As a result of this assurance, the honourable member Mr. S. J. Nair did not press for the further consideration of the Bill. (*Laughter*).

MR. P. C. KURIYAN (*Kottayam I*): May I know whether there was this provision in the original Bill as introduced by the Law Member?

MR. S. J. NAIR (*Nedumangad*): If there was such a provision in the draft Bill, there would not have been any necessity for the honourable members of the Select Committee to make this amendment. It was as a result of the majority opinion of the honourable members of the Select Committee that the amendment to Clause 9, as sub clause (3) has been introduced.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did the Law Member, on that occasion, give the assurance that the question of admitting the pleaders as advocates would be considered?

MR. S. J. NAIR (*Nedumangad*): The Law Member assured me that the principle involved in my Bill would be reasonably considered, when the Bar Council Bill is introduced.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the honourable member kindly read that portion of the proceedings?

MR. S. J. NAIR (*Nedumangad*): I am sure the Law Member has got a copy of the proceedings with him and he can refresh his memory and enlighten himself on the point.

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MR. P. C. KURIYAN (*Kottayam I*): May I know whether the omission of the provision in the draft Bill of the Law Member, was reasonable on his part?

MR. S. J. NAIR (*Nedumangad*): It was perhaps an omission; he wanted to correct that omission by the addition of sub clause (3), (*Laughter*).

PRESIDENT: The honourable member will realise that he is getting into very deep waters on the psychology of the Law Member.

MR. S. J. NAIR (*Nedumangad*): The question is whether sub-clause (8) of Clause 9 is justifiable under the circumstances. As already pointed out by me, in the light of the Statement of Objects and Reasons of the Bar Council Bill this provision is justifiable. Now, let us see whether there has been any move on the part of the public and the pleaders on this matter. In the 28th Session of the Sri Mulam Popular Assembly, 59 members joined together and submitted a memorial to the Dewan of Travancore, on 2-8-1107. In that memorial the prayer was "that the Government be pleased to sanction the universal demand of the pleaders in the State that the first and second grade pleaders of a fixed period of standing and practice in the Bar be permitted to appear and practise before the High Court and the District Courts." That was the principle involved in the Bill introduced by the honourable member Mr. S. J. Nair. It was that principle that was admitted as reasonable by the Law Member on behalf of Government. The principle has been considered by the Select Committee on the Bar Council Bill and sub-clause (3) has been introduced by them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what became of the memorial to the Dewan, and what decision Government arrived at on the matter?

MR. S. J. NAIR (*Nedumangad*): I am sorry I have no information about the action taken by Government.

Sir, when the pleaders of Travancore, practising in the mofussil courts as well as in the subordinate courts in Trivandrum, saw the dissenting minute by the honourable member Mr. K. C Abraham, and the resolution passed by the High Court Bar Association and communicated to Government, they held meetings in various places. The first and second grade pleaders of Trivandrum held a meeting on 9-7-1112 and passed the following resolutions;

1. "This meeting of the First and Second Grade Pleaders of Trivandrum support the spirit of the amendment contained in Clause (3), Section 9 of the Bar Council Bill, as revised by the Select Committee, permitting the enrolment of the First and Second Grade Pleaders as advocates of the High Court."
2. "This meeting strongly condemns the resolutions of the High Court Vakils Bar Association protesting against the proposed amendment and holds that the apprehensions contained therein are groundless and unwarranted."
3. "This meeting views with grave concern the agitation set up by some persons actuated by selfish motives and narrow mindedness, through some of the news papers, and resolves that steps should be taken to counteract the effect of such malignant agitation."
4. "This meeting records its emphatic protest against the tone and language used by Mr. K. C. Abraham with reference to the pleaders of Travancore, in his dissenting note to the Select Committee."

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Sir, there is a powerful Bar Association at Quilon. Even the High Court Bar Association cannot compare with it. I had the honour of being a member of that Association. (*Laughter*). The Members of the Quilon Bar held a meeting on 7-7-1112 and passed the following resolutions.

1. "That this meeting lends its complete support to the Bar Council Bill as revised by the Select Committee with particular reference to part (3) of Section 9 of the Bill enabling the pleaders to apply for admission as advocates as the result of an examination by or under the supervision of the Council."
2. "That this meeting expresses its regret and condemnation at the malignant tone and vilifying spirit in which Mr. K. C. Abraham, member of the Select Committee, has made reference to the pleaders of Travancore in his dissenting minute."

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Were these resolutions passed by the Bar Association at Quilon, or by the first and second grade pleaders there?

MR. S. J. NAIR (*Nedumangad*): They were passed by the first and second grade pleaders there?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the member is aware that the Quilon Bar Association has issued a notice protesting against the holding of this meeting?

MR. S. J. NAIR (*Nedumangad*): I have not seen any such notice?

In Perumbavoor, the Bar Association held a meeting under the presidency of Mr. N. Ganapathy Aiyar, B. A., B. L., and passed the following resolutions.—

PRESIDENT: The honourable member need not read all the resolutions.

MR. S. J. NAIR (*Nedumangad*): Pleaders of various other Bar Associations assembled and passed resolutions, congratulating the members of the Select Committee in having made this amendment to Clause 9 of the Bar Council Bill and requesting Government to oppose the proposed amendment of Mr. K. C. Abraham and protesting against the tone and spirit of his dissenting minute.

The All-Travancore Pleaders' Association met in their annual gatherings and passed resolutions requesting the authorities concerned to raise the status of the pleaders in the State. They have requested that the second grade pleaders of certain years' standing should be allowed to practise in the District Courts and District Court pleaders of certain years' standing should be allowed to practise before the High Court. The present amendment is therefore only the result of the continuous agitation of the pleaders for the last several years and the provision made by the Select Committee is only in consonance with the Bar Councils Act elsewhere.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): If the pleaders had so much feeling on the matter, why did they not take advantage of Section 411 of the Civil Courts' Guide?

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MR. S. J. NAIR (*Nedumangad*): The difficulty was that the Advocates' examination of the Bombay Bar Council was instituted only recently on the 3rd May 1935. The pleaders in the State had, till then, no other course except to pass the Barrister's examination in England or in Ireland.

MR. KAYALAM PARAMESVARANPILLAI (*Additional Head Sirkar Vakil*): May I ask whether Rule 411 of the Civil Courts' Guide which was passed before 1935 has no reference to the non graduate Advocates of the Bombay High Court?

MR. S. J. NAIR (*Nedumangad*): I think the honourable Law Member is not quite correct. All the High Courts in the Indian Empire are established under a Charter. Under the conditions of that Charter, any lawyer practising before any High Court can get *sanad* to practise before any other High Court in the Indian Empire. A vakil of the Calcutta High Court can as a matter of right obtain a *sanad* of the Travancore High Court on payment of the prescribed fees. It is a question of right, no grace or concession, Sir.

MR. K. C. ABRAHAM (*Kottayam II*): Is the member aware that, in certain High Courts members of the Bar practising in other High Courts are not allowed as a matter of right to practise in their High Courts, for instance, in the Allahabad High Court?

MR. S. J. NAIR (*Nedumangad*): I think the honourable member is also not correct.

PRESIDENT: He happens to be correct; but that does not affect the honourable member's argument (*Laughter*).

MR. S. J. NAIR (*Nedumangad*): Under the Charter for the establishment of the High Courts no High Court has the right or power to interfere with the rights of High Court Vakils. Certain rights and privileges have been conferred upon the lawyers of High Courts, and those rights and privileges cannot be denied according to the whims and caprices of the Judges of any High Court. As stated by the President, advocates are not allowed to practise before the original side of the Bombay High Court. But, in the Travancore High Court there is no original side. The conditions prevailing here are a little different from the conditions in Bombay.

PRESIDENT: The only reason why the Chair made the reference to Bombay was that there is differentiation in the dignity and prestige of the two grades of practitioners. That was all that the Chair was anxious to point out.

MR. S. J. NAIR (*Nedumangad*): Sir, consider for a moment the system that was obtaining in Travancore before the B. Ls alone were allowed to practise before the District Courts and the High Court. Before that time, pleaders were permitted to practise even in the High Court. Subsequently that system was changed and only those pleaders who could obtain a certain minimum of marks were allowed to practise before the District Courts. That too was since changed and there was only one grade of examination known as the Second Grade Pleaders.

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examination. Recently, even the Pleadership Class has been abolished. There is therefore no need to fear that the number of pleaders will be increasing year after year so that as a result of their innundation, the B. Ls would get drowned as it were in the sea of pleaders.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know the reason why that class was abolished while the B. L. examination was allowed to continue ?

MR. S. J. NAIR (*Nedumangad*) : I should say that it was due to the shortsighted policy of the authorities concerned Those who want to take a degree in engineering or in medicine or in other sciences, can do so even now by passing the Intermediate Examination and sometimes even the School Final. I ask, why should the profession of law alone require that only graduates can appear for the law examination.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : Will the pleaders be allowed to wear gowns if they become advocates ?

MR. S. J. NAIR (*Nedumangad*) : Without the gowns the pleaders will be much happier. Our hot climate does not justify the wearing of gowns, that are black-stuffs. The pleader will be happy if he is denied the gown. But if a gown is given to the pleader he would not object to it.

PRESIDENT : What about hot weather, in that case ?

MR. S. J. NAIR (*Nedumangad*) : Sir, advocates' gowns that are black are unsuited to be worn in hot countries like India. Again, Sir, the pleaders have got a special advantage over the B. Ls. The Travancore courts deal with Travancore laws passed by His Highness the Maharaja of Travancore. The B. Ls. are compelled to undergo a training in British Indian laws. That is why they are asked to pass the High Court Test examination on Travancore laws, or to practise for five years in a subordinate court, before becoming High Court Vakils. That shows that B. L. examination by itself is of no value for practice before the High Court. Not so the Pleadership examination.

MR. P. C. KURIYAN (*Kottayam I*) : May I know whether it is not on account of his B. L. degree that a graduate is allowed to practise before the District Courts even to begin with ?

MR. S. J. NAIR (*Nedumangad*) : Generally graduates-in-law undergo training under pleaders. Graduates-in-law by themselves with their gown and degree, cannot go and conduct any case. I am sure of that. As a pleader myself, I have got knowledge about the ability of the B. Ls to practise before the Munsiffs' Courts and District Courts immediately after they take their degree. The difficulty is that they are not taught Travancore laws for the B. L. examination.

In England, those who pass the Matriculation examination are permitted to appear for the Barrister's examination. Cambridge Local or the London Marticulation is the minimum qualification for admission to the Barrister's course. The London Matriculation corresponds to our School Final. And the Barristers who come out to India can, as a matter of right, practise before any High Court in the British Empire. Then what objection is there to allow persons who have undergone two years course in the local Law College who know Travancore laws and

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[Mr. S J. Nair.]

have practised for the last several years in Travancore to practise before the High Court as advocates after having passed an examination to be held under the supervision of the Bar Council. I am sure honourable members will not deny that just and reasonable right to the pleaders.

MR. P. C. KURIYAN (*Kottayam I*): What is the opinion of the present High Court Bar Council on the matter?

MR. S. J. NAIR (*Nedumangad*): At present there is no Bar Council here, Sir. (*Laughter.*)

MR. P. C. KURIYAN (*Kottayam I*): I mean, the Bar Association.

MR. S. J. NAIR (*Nedumangad*): Everybody knows that. I have already explained that the High Court Bar Association, due to their innate selfishness, want to exclude the pleaders in the State who they know are far superior to them. When pleaders of merit, ability and experience are permitted to practise in the High Court these High Court Vakils will dwindle into nothing. (*Laughter.*) The High Court Vakils in the conduct of their cases before the High Court base all their argument on materials furnished by pleaders in the efficient conduct of the case in lower courts. Therefore, if the pleaders are allowed to appear before the High Court and argue for their clients, the judges will be able to understand the cases better and administer justice better than at present. Sir, the presence of a vakil in a court is to help the judges to administer justice. For that purpose, the vakils should be qualified in the local laws. The pleaders in the State are quite fitted for the purpose. In conclusion, I beg to submit for the consideration of the honourable members of this House that if this House is going to accept the Bar Council Bill, then necessarily they must accept the principle involved in the Bill, namely, the unification of the members of the Bar in Travancore. If that principle is not accepted then there is no necessity to pass this Bill. Let it be dropped. If we want to have the unification of the members of the Bar in Travancore, I am sure Clause 9, sub-clause (3) should be retained, and the amendment moved by Mr. Abraham must be rejected. The Select Committee has wisely, justly and rightly inserted sub-clause (3) as a result of the incessant and time-laboured demand made by the pleaders in the State. Their demand is modest; it is just it is right; it is in consonance with the times; and it must and should be respected. I appeal to the House, in all earnestness and enthusiasm to accept the demand of the pleaders in the State; and in doing so to reject the amendment moved by the honourable member Mr. K. C. Abraham to delete sub-clause (3) of Clause 9. With these few remarks, I oppose the amendment moved by Mr. Abraham.

The Assembly adjourned for lunch at 1·5 P. M. and reassembled at 1-58 P. M.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I support Mr. Abraham's amendment. The principle involved in this question is whether the non-graduate pleaders may be allowed to become practitioners in the High Court of this State. That is the precise point for consideration in whatever way we may look at the amendment.

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This very principle was raised on a previous occasion in 1935, when the Vakils' Regulation Amendment Bill was introduced by Mr. S.J. Nair. As it has been referred to today by more than one honourable member, I shall begin by a reference to that Bill. One of the principles in that Bill was whether the first and second grade pleaders may be allowed to be enrolled as Vakils of the High Court. That principle I opposed very strongly, and I was accused of having been even too severe on the second grade pleaders, on that occasion. I still hold the views expressed by me at that time in regard to the First and Second grade pleaders becoming High Court Vakils. Mr. S. J. Nair stated that the Bill was withdrawn, on the assurance made on behalf of Government that this aspect of the matter will be sympathetically considered. Sir, a reference to the debates of that day will show conclusively that there was nothing said then in support of the position now taken by Mr. S. J. Nair. Nay, on that occasion Mr. S. J. Nair, himself expressly conceded that he did not want any right to be conferred on the first grade pleaders to be enrolled as Vakils of the High Court. All that he then wanted was that the second grade pleaders should be allowed to be enrolled as Vakils of the District Court. The claim for enrolment as High Court Vakils was unconditionally withdrawn by him. On that, he withdrew the Bill, and the withdrawal was accepted by this House. Such being the real fact it is quite inappropriate for Mr. Nair to raise the same point again today.

Sir, I may perhaps refer in detail to the relevant portions of the debates on that occasion.

The Bill was introduced at first in 1934. I opposed it then very strongly ; the debate was not however concluded. It was resumed in May 1935. On that resumed debate, Mr. S. J. Nair said :—

> "While the Bill was under discussion in the last session of the Assembly, the Deputy Leader of the Liberal Party made the suggestion that, if I would permit to amend the Bill as to enable Second Grade Pleaders of ten years' standing and more to practise in the District Court, and if I would not press the grant of High Court *sanad* to First Grade Pleaders of some years standing in the Select Committee stage, the Bill would be acceptable to all, at least to many. I may say, Sir, that I am prepared to accept that suggestion"

So that then, he practically withdrew the claim that first and second grade pleaders should be enrolled as advocates of the High Court. What took place next was a question by me :

> 'MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*), May I ask whether the member accepts the position that first grade pleaders need not be admitted as High Court Vakils ?
>
> Mr. S. J NAIR (*Nedumangad*) : I do accept that position at present, Sir, as a sort of compromise."

Thus there was no mistaking about it. On a specific question raised, he accepted the position that first and second grade pleaders need not be enrolled as Vakils of the High Court.

When I formally rose to oppose the Bill this was what happened :

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"Mr KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this Bill. I have not forgotten the suggestion made a few minutes ago by Mr. E V. Krishna Pillai, namely, that Mr. Nair may withdraw his Bill if the Government would undertake to consider the question of allowing the second grade pleaders to be enrolled in the District Court when the Bar Council Bill is taken up for consideration. I can assure the House, Sir, that I am quite prepared to have the matter considered. I cannot offer more than that. I am not the entire master of the situation. The matter has to be considered in the Committee, and perhaps, by this House also afterwards. Therefore, so far as I am concerned all that I can say is that I am prepared to have this matter considered by the appropriate body when the Bar Council Bill is taken up.

Mr S. J. NAIR (*Nedumangad*): Is he prepared to consider it sympathetically? (*Laughter*)?

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that word is rather embarrasing. I am prepared to consider it reasonably."

The point thus narrowed down to the Second Grade pleaders being enrolled as Vakils of the District Court. The question of First grade pleaders being enrolled as Vakils of the High Court was unconditionally withdrawn that is clear from the debate that has been read out. At that time, the assurance given by the Government was that the question of the Second grade pleaders being enrolled as Vakils of the District Court, might be reasonably considered when the Bar Council Bill is taken up.

MR K. KUNJUKRISHNA PILLAI (*Quilon I*): Was it in this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Even now I am of the same view and I may support any motion made for enabling Second grade pleaders to be enrolled as District Court Vakils. On the previous occasion, I elaborately dealt with all aspects of this controversy and I shall not repeat all that I said then. Let me however refer to recent events. Immediately after the Select Committee introduced the provision that now finds a place in the Bill protests were heard against it. The Travancore High Court Vakils' Association protested against it unanimously. I do not overlook the fact that there was counter protest from the pleaders in support of the provision. We are not concerned quite with the protests. This House is concerned mainly with the merits of the question apart from the protests. As regards the protests, perhaps the view may be taken that the High Court Vakils want to exclude a class of men who want to enter the portals of higher fields of employment. The second grade pleaders may reasonably complain against such an attitude. The High Court Bar Association may reply that they only want to exclude *second class* materials—that was the expression used by me in the previous debate and I may be excused for using it again. So far as this House is concerned, it is not a question of giving a field of higher employment to the pleaders or giving an exclusive monopoly to the Law Graduates, to practise in the High Court. No question of restricting or enlarging the field of employment arises as such. We have to look at the question from a higher standpoint, namely, from that of public interests,

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Looked at in that manner, the first question would be, for what purpose does the establishment of the legal profession exist? It exists for assisting the judiciary of the land. The judiciary is there to do King's justice, because it is the primary duty of the Sovereign to administer justice. The cases for decision are many. The judges may not have the time to study all the cases themselves from start to finish. They have therefore to be served or assisted in their work, by a class of men, who are lawyers, who are trained men and who are men of character and capacity. On this depends what the public interest is that is involved in the question at issue. Sir, the lawyer's profession is not like that of a man going to the market and establishing a trade or business. There, it is a question of individual interest; it is purely a question of competition. Here, the function is of a higher order, namely that of assisting the judiciary created for the administration of King's justice. For that, men of character and qualification are essential. Therefore, it is in the interest of the paramount duty of the State that qualifications should be prescribed. It should not be open to any and every individual to say "I shall be the lawyer and serve whomsoever has confidence in me. Dont look at my degree or other qualifications".

MR. S. J. NAIR (*Nedumangad*): May I ask whether Sir, S. Subramonia Iyer, Pandit Motilal Nehru and others of that order, were helping the administration of King's justice.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Just now I am merely enunciating the general principle that the body of lawyers exists not exactly like the traders in the field of commerce and industries, merely to make money. The lawyers form an integral part of the administration of justice, so that justice may be done properly and speedily. Therefore, the question of qualification is an important factor. Although there may be difference of opinion between myself and Mr. S. J. Nair in regard to the question as to what the qualification must be, that lawyers do require some qualification will be agreed to even by him. That is implied in the present provision itself; because even Mr. S. J. Nair does not say that everybody should be allowed to practise before the High Court. Now then the question is what should be the qualification for being allowed to act as lawyer in the High Court. Can we allow second class material to be mixed up with first class material which alone is now allowed to function in the High Court.

MR. S. J. NAIR (*Nedumangad*): As a result of filtration in the examination, is it not possible to select first class material from among the pleaders?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not quite possible.

I have already stated in the previous debate, that as there is ample first class material available, there is no necessity to go in for a filtration process to be applied to the second class material.

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[Mr. Kayalam Paramesvaran Pillai.)

Till 1070, *i. e.*, till about 40 years ago, the first grade pleaders were allowed to practise in the High Court. That was a time when there were not enough law graduates *i. e.*, enough first class material available to meet the demand. Because, the number of first class material was small, second class material was also allowed. But from about 1070, ample first class material was found to be forthcoming. So it was ruled that first grade pleaders should stop with the District Court. Now we are asked to go back 40 years; that is literally a retrograde step. Why should we go back? What is the public interest served by doing so? Is there paucity of first class material? Now there are about 1200 law graduates practising in the Courts in Travancore. The bar is overcrowded with first class material. Remember that it is not a question of affording more scope for employment for the pleaders. It may be that even now there are eminent men in the ranks of the pleaders. But we cannot make a provision for exceptions. It is not a question of doing individual justice: we have to lay down a general rule and that in the public interests and therefore the exceptions will have to suffer, even if there be exceptions.

MR. S. J. NAIR (*Edumangad*): I wish to know whether this Bill has been introduced on grounds of public interests?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. S. J. NAIR (*Edumangad*): Is it not stated in the Statement of Objects and Reasons that people following the legal profession should be formed into one autonomous body?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Strictly speaking, the Bill should have entirely excluded from the legal profession these class of first and second grade pleaders; but I did not want to take away vested rights. Hence, a proviso was put in to enable pleaders to continue their present practice. That does not mean that we should cause a further damage by admitting these to a field where first class material alone is now admitted and where such material is available in plenty. So then, on the ground of public interests, there is no justification whatever to introduce second class material into the first class field.

There is another aspect of the matter which was not touched by me on the previous occasion.

With the coming of the Federation (whether we join it or not) and the institution of the Federal Court in October, this question assumes a special importance. The Chief Justice of the Federal Court has already been appointed and is already looking about for the necessary preliminaries. When that Court comes into being the Bars of the High Courts will have a definite place. We must see that the efficiency of the Bar, and its prestige are kept up in the eyes of the Federal Court. Our Bar should not be thought of as inferior to those in other places. Now, early in 1937, we are asked to go back 40 years. That will

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necessarily belittle the position of our Bar. Should we take a retrograde step and go back 40 years just at this critical juncture when Federation is in sight? Mr. S. J. Nair referred to the rule in Bombay. It has been pointed out that those advocates cannot practise on the original side of the Bomby High Court.

MR. S. J. NAIR (*Nedumangad*): Does the member know that, in Madras, District Court Vakils of 10 years' standing can be enrolled as advocates?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Only graduates; that rule does not apply to non-graduates.

Thus then, looked at from the point of view of public interests, we will look small in the eyes of the larger world, if the pleaders are allowed to come into the fold of advocates and allowed to practise before the High Court. The Travancore Legislature will surely be looked down upon if we go back to the practice which was obtaining 40 years back.

That apart, what is the justification for going back forty years? Everybody outside will ask "What is there wrong with Travancore? Do they not have enough of B. Ls. there? Is it because theTravancore Government and the Travancore Legislature do not care for the prestige and status of High Court and the High Court Bar?" They will be inclined to take a low opinion of Travancore and of the Travancore High Court. And after all, what is the necessity for doing it? Is there any necessity, I ask. Look at the question from the point of view of public interests. There is no necessity to introduce second class material. If we do it we will suffer. We will look low in the eyes of out siders in whose eyes we have to count for something, especially now. Therefore I am sure the House will agree that Mr. Abraham's amendment is quite proper and that we should not admit second class material into the first class.

Mr. S. J. Nair has been saying that there has been an agitation going on in the country for second and first grade pleaders being admitted to the District Courts and to the High Court. It is true. But that agitation was first heard of only when Mr. S. J. Nair became a member of the Sri Mulam Popular Assembly. (*Laughter.*) I am not blaming him. But still the fact remains that it began only after Mr. S. J. Nair became a member of the Popular Assembly. When I looked into my file I found that when Mr. S. J. Nair first made a representation on this matter, in 1106, the then Dewan retorted, in his characteristic way, as follows:—

> "The last point that you have raised about second and first grade pleaders is very fantastic as you yourself will admit".

This is the reply that he got from the Dewan. Of course, Mr. S. J. Nair is not the gentleman to be put down by such remarks. (*Laughter.*) The matter was subsequently referred to the High Court. Whenever it was brought to the notice of Government by means of a resolution or motion it was referred to the High Court. On all those occasions, the High Court has said that they were not agreeable to the proposal. Even now when the Select Committee submitted its report,

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[Mr. Kayalam Paramesvaran Pillai,]

the High Court was again addressed ; and they said that they were not prepared to relax the rule and admit first and second grade pleaders as advocates. Therefore, Government are emphatically of the opinion that first and second grade pleaders cannot be admitted as advocates entitled to practise in the High Court.

MR. S. J. NAIR (*Nedumangad*) : May I know whether the member is aware that there are Judges in the High Court who are not graduates of any University?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, there is one who is not a graduate, but he is a Barrister. That does not affect the question at all. I am emphatically of the opinion that first and second grade pleaders should not be allowed to practise in the High Court. But let me say that Government are prepared to consider any proposition to allow first and second grade pleaders to practise in the District Courts. Perhaps, if a suitable amendment is proposed Government may support it.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*) : I wish to say a few words on the motion before the House. My friend Mr. Kayalam Paramesvaran Pillai, in the course of his speech observed that the agitation on this question was comparatively recent and that it became prominent in the public eye only when Mr. S. J. Nair became a member of the Sri Mulam Popular Assembly. Mr. Paramesvaran Pillai is partly right. But I can testify to the fact that about thirteen years ago there was a conference of second grade pleaders in Trivandrum over which I presided ; I cannot make any mistakes as to that. But as Mr. Paramesvaran Pillai pointed out the agitation assumed proportions only recently. There is considerable feeling among the second grade pleaders that they must have opportunities of doing work in the High Court. The ambition, Sir, is legitimate. But at the same time there is very considerable feeling in the country, not only among graduates-in-law but among public men and among the litigant public that the High Court Vakils should necessarily be graduates. There is some thing attaching to a University degree which is really fascinating and encouraging. Only those men who are graduates can appreciate that to the full measure. Those who are not graduates are generous enough to recognise that a University Degree confers some easy superiority over others. I do not want to develop a long story. But this I may say that 25 years ago when I was an officer in the Travancore Government service drawing Rs. 40 per mensem, I chanced to visit the Vaikom temple. There I found a very big officer of the State, comparatively high, a Divisional Forest officer, was presiding over an assembly of persons. As soon as he saw me, there was some consideration. He felt that although I was a lowpaid man, I was a graduate ; and I know that he did not say one word as long as I was there. I am saying this, Sir, merely to show that, rightly or wrongly there is a kind of inferiority complex on the part of some of the non-graduates though I am glad to

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testify in this House there are non-graduate members quite as independent and as enlightened as other persons. The psychological value is important, for if a graduate feels that he has a training under distinguished professors, that he has experience of the ennobling atmosphere of colleges, he naturally feels that he will be up to any task whereas, a person who is not a graduate though in exceptional circumstances there may be men of extraordinary talent, ordinarily feels that a graduate is superior to a non-graduate. That is the reason why there is so much of difference of opinion on this point.

Mr. Kayalam Paramesvaran Pillai referred to a very important circumstance when he said that we are within easy sight of Federated India. Rightly or wrongly, in all Provinces and States of India, University degree is valued; and even though intrinsically our opinions in favour of making second grade pleaders High Court Vakils may be right when we are alone, people outside will take a view that there is something wrong in the State of Travancore which has been long regarded as a model State, a State where education and enlightenment is in advance of every other State. We must not allow ourselves to be considered less important and less educated than we are. In this connection I want to read out a portion from the report of the proceedings of this House to disprove opposition. When I developed this point on a former occasion my friend, Mr. K. C. Abraham, asked me "Is it the member's view that public interests will be advanced by allowing the second grade pleaders to practise in District Courts?" Then, I answered "These people also may be allowed under certain conditions." I have been asked whether I have not been in absolute favour of getting second grade pleaders transferred as High Court Vakils. I have never said that. On the other hand, I have said that they ought to be encouraged; for, unless there is hope in their bosom they will not give their service to the litigant public in the right fashion. Therefore, Sir, I maintain that, when the Government and this Assembly are satisfied that there are large numbers of competent vakils who handled a very large number of cases and who can understand laws, if they are made District Court Vakils it will be to the advantage of all parties concerned. The difficulty has been brought to the present position by the action of the Government themselves in past years. The tuition given in the Law College was the same to the B. L. students and to the pleadership students, they sat in the same class room and the same Professor lectured to them on the same subjects, and at the same time. More than that, if persons obtained more than a certain percentage of marks—I believe it was sixty per cent—they were automatically declared to be competent to practise in the District Courts while those who got lesser marks were allowed to practise in the Munsiff's Courts. There are even instances in which persons who had no University degree were appointed as judicial officers. But that state of affairs has gone. Even in public life, as distinguished from life in courts of law, we find that the University man has got a greater chance of doing work, getting recognition, and winning laurels than a non-University man, generally so that, in this country, when there is such a large number of graduates

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and when in every Indian State and Province, University distinctions are valued, when the people who ask for this privilege themselves recognise the importance of academic distinction and I think, considering the aspect of the case developed by Mr. Kayalam Paramesvaran Pillai that we are within sight of Federation, my friend Mr. S. J. Nair will not insist that second grade pleaders should even with some qualification be all declared advocates.

But, I appeal to the House to consider with sympathy the case of those persons who have been occupying important positions in the legal world giving sound legal advice, conducting cases efficiently and figuring prominently in public life, persons respected by the whole country and give them the chance and opportunity to practise in the District Courts. That is the position that I want to develop. I shall not be in order in referring to any detail as, I find, Mr. T P. Velayudhan Pillai has tabled an amendment to that effect and whether it will be allowed or not——

PRESIDENT: I may mention that I have allowed that amendment to be moved.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): The principle contained in the amendment is very important, and I hope, when the time comes it will be met with the approval of the House.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Sir, I support the amendment. I have met with certain difficulties in the matter of the language of my speech here. I am not an English scholar. Somehow or other I was forced to speak in English. I find it very difficult to express my ideas in English. If the Chair will allow me to speak in Malayalam——

PRESIDENT: Certainly, you can do so.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): സർ, ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു. തിരുവിതാംകൂറിൽ നിയമജ്ഞന്മാർ ധാരാളമുണ്ടായിരിക്കുന്നതു തെറ്റാണെന്നു് ആരും പറയുകയില്ല. ഒരു കാലത്തു് ഏതെങ്കിലും ഒരു പരീക്ഷയിൽ ജയിച്ച ആളുകളെ വക്കീലന്മാരായി വ്യവഹരിക്കാൻ അനുവദിക്കയും അവർ ഓരോ കോടതികളിലും വ്യവഹരിച്ചു വരികയും ചെയ്തിരുന്നു. ഇങ്ങനെ നടന്നുവന്നകാലത്തു് നിയമപരീക്ഷകളൊ ബി എൽകാരോ ഉണ്ടായിരുന്നില്ല. അക്കാലത്തു നമ്മുടെ ഹൈക്കോടതികളിൽ ഒന്നാംതരം ജഡ്ജിമാർ തന്നെ ഉണ്ടായിരുന്നു. അവരാരും ബി. എൽകാർ ആയിരുന്നില്ല. കുഞ്ഞുരാമൻനായരെപ്പോലെയുള്ള ജഡ്ജിമാർ ഇപ്പോൾ ഹൈക്കോടതിയിലില്ലെന്നു ഞാൻ പറയുന്നില്ല. നല്ല ഉത്സാഹശീലരായും കക്ഷികളുടെ കേസുകൾ നല്ലപോലെ നടത്തണമെന്നു വിചാരമുള്ളവരായും ഉള്ള ആളുകളെ തിരഞ്ഞെടുത്തു് ഹൈക്കോടതി വക്കീലന്മാരാക്കിയിരുന്നെങ്കിൽ

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നന്നായിരുന്നേനേ. അങ്ങിനെയുള്ള ആളുകൾ മുൻസിപ്പുകോടതി വക്കീലന്മാരോ ഡിസ്ട്രിക്ടുകോടതി വക്കീലന്മാരോ ആയിരുന്നാലും അവരെ തിരഞ്ഞെടുത്തു് ഹൈക്കോടതി വക്കീലന്മാരാക്കുന്നതിനോടു് എനിക്കു വളരെ സന്തോഷമാണുള്ളതു്. രണ്ടാംഗ്രേഡ പ്ലീഡറന്മാരേയും ഒന്നാംഗ്രേഡ് പ്ലീഡറന്മാരേയും ഹൈക്കോടതി വക്കീലന്മാരാക്കുന്നതിനു് അസംബ്ളിയിൽ കൊണ്ടുവന്ന ബില്ലിനെ ഞാൻ എതുത്തുകൊണ്ടാണിരുന്നതു്. മറ്റു യോഗ്യതകളൊന്നും തിരിച്ചറിയാൻ പാടില്ലാത്തവരെ അവരുടെ യോഗ്യതകൾ തിരിച്ചറിയുന്നതിനു് പരീക്ഷാ യോഗ്യതയെയാണു കണക്കാക്കേണ്ടതു്. വക്കീലന്മാരുടെ എണ്ണം ഹൈക്കോടതിയിൽ കുറഞ്ഞുപോയതിനാൽ മുൻസിഫ കോടതികളിൽ കേസുകൾ ശരിയായി നടത്താതെ വളരെ കേസുകൾ കിടക്കുന്നു. വക്കീലന്മാരുടെ മുമ്പിലാണോ ധർമ്മിഷ്ഠയെപ്പറ്റി ന്യായമായി നടപടി നടത്തണമെന്നു പറഞ്ഞതിനു വക്കീലന്മാർക്കും വയറുപിഴക്കണമെന്നു് ഒരു അധികാരസ്ഥാനത്തുനിന്നും മറുപടി പറഞ്ഞതായി ഞാൻ അറിയുകയുണ്ടായി. അതു വാസ്തവമോ അവാസ്തവമോ എന്നറിയാൻ പാടില്ല.

ബിഎൽകാർ ധാരാളമുള്ളപ്പോൾ മറുതരത്തിൽ ഒരു പരീക്ഷ ഏർപ്പെടുത്തി ചിലരെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനുള്ള യോഗ്യതയുണ്ടാക്കികൊടുക്കുന്ന നയം ഒരിക്കലും ശരിയല്ല.

നിർഭാഗ്യവശാൽ ഈ ബില്ലിന്റെ സിലക്ടുകമ്മിറ്റി കൂടിയ അവസരത്തിൽ ഞാൻ സുഖക്കേടായി കിടപ്പായിരുന്നില്ലെങ്കിൽ ഈ ഭേദഗതി ബില്ലിൽ ചേർക്കാതിരിക്കുന്നതിനു ഞാൻ ശ്രമിക്കുമായിരുന്നു. എന്റെ ശ്രമം പ്രയോജനപ്പെടുന്നതാണോ അല്ലയോ എന്നുള്ളതു് ഞാൻ ചിന്തിക്കേണ്ട ആവശ്യമില്ല. ഏതായാലും മുൻസിഫ കോടതി വക്കീലന്മാരെ ഹൈക്കോടതിവക്കീലന്മാരെപ്പോലെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കാൻ ഒരിക്കലും അനുവദിക്കരുതെന്നാണു എന്റെ അഭിപ്രായം. എന്റെ മാന്യസ്നേഹിതന്മാരെല്ലാം സിലക്ടുകമ്മിറ്റി വരുത്തിയ ഭേദഗതിയെ എതുക്കണമെന്നുകൂടി എനിക്കഭിപ്രായമുണ്ടു്. തൽക്കാലം ഇതിൽ കൂടുതൽ ഒന്നുംതന്നെ പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir, I also request your permission to speak in Malayalam,

PRESIDENT: I give you permission to speak in Malayalam.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഒന്നാംഗ്രേഡ് പ്ലീഡേഴ്സിനെയും രണ്ടാംഗ്രേഡ് പ്ലീഡേഴ്സിനെയും ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കണമെന്നു് ഒരു ബിൽ ഈ സഭയുടെ ആലോചനക്കു വിഷയമായിരുന്ന സമയത്തു് ഞാൻ അതിനെ അനുകൂലിച്ചു്

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[Mr. N. E. Varughese.]

സംസാരിക്കുകയുണ്ടായി. അന്നു ഇതിനെ അനുകൂലിച്ചു സംസാരിക്കുന്നതിന് എന്റെ മനസ്സിൽ തോന്നിയിരുന്ന ന്യായങ്ങൾ ഇന്നു കുറെക്കൂടി പ്രബലപ്പെട്ടതല്ലാതെ അതിൽ ലേശവും കുറവു വന്നില്ല. അതിനാൽ അന്നത്തെ എന്റെ നിലയിൽനിന്നും മാറുന്നതിനു ഞാൻ വിചാരിക്കുന്നില്ല.

സർ, നമ്മുടെ ആലോചനയിലിരിക്കുന്ന സംഗതികൾ നീതിബോധത്തോടുകൂടി നാം വിചിന്തനം ചെയ്യുമ്പോൾ ഈ ഭേദഗതിയെ അനുകൂലിക്കുകയാണോ വേണ്ടതു് പ്രതികൂലിക്കുകയാണോ വേണ്ടതു് എന്നു് നിശ്ചയിക്കാൻ യാതൊരു പ്രയാസവുമില്ല. നമ്മുടെ നീതിന്യായവകുപ്പിലെ മുദ്രാവാക്യംതന്നെ,

"*Fiat Justitia Ruat Coelum*",

എന്നാണു്. അതായതു് ആകാശം വീണാലും നീതിന്യായം നടത്തണമെന്നുള്ളതാണു്. ഈ തത്വത്തെ മനസ്സിൽ വച്ചുകൊണ്ടാലോചിക്കുമ്പോൾ നമ്മുടെ ആലോചനയിലിരിക്കുന്നതായ ഒരു സംഗതിക്കു ഒരു വിധി കല്പിക്കുന്നതിനു എന്താണു് പ്രയാസം? എല്ലാതരത്തിലുമുള്ള ഒന്നും രണ്ടും ഗ്രേഡും പ്ലീഡേഴ്സിനെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കണമെന്നു് ആവശ്യപ്പെടുന്നില്ല.

MR. K. C. ABRAHAM (*Koitayam II*): എല്ലാതരക്കാരേയും അഡ്വക്കേറായി വ്യവഹരിക്കുന്നതിനു് അനുവദിക്കണമെന്നാവശ്യപ്പെടാതിരിക്കുന്നതിനുള്ള കാരണം എന്താണു്?

MR. N. E. VARUGHESE (*Tiruvalla I*): യാതൊരു സംഗതിക്കും എല്ലാവരും യോഗ്യന്മാരായിരിക്കുകയില്ല. യോഗ്യന്മാരായിട്ടുള്ള ആളുകൾ അവരുടെ യോഗ്യതാനുസരണം മുന്നോട്ടു പോകണമെന്നാഗ്രഹിക്കുമ്പോൾ അവരെ ഒരു പ്രകാരത്തിലും തടുത്തു നിറുത്തിക്കൂടാ എന്നുള്ളതാണു്. എനിക്കു് ഈ സഭയുടെ ദൃഷ്ടിയിൽ കൊണ്ടുവരാനുള്ളതു്. യോഗ്യനായ ഒരാളിന്റെ പുരോഗമനത്തിനു് തടസ്ഥമുണ്ടാക്കുന്നതു നീതിവിരുദ്ധമാണു്. പണത്തിന്റെ കുറവുകൊണ്ടും സമയക്കുറവുകൊണ്ടും മറ്റു പരിതസ്ഥിതികൾകൊണ്ടും എല്ലാവർക്കും ബി. എ. യോ ബി. എല്ലോ പാസ്സാകാൻ കഴിഞ്ഞിട്ടില്ലെന്നുവരാം.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): ഒരാൾ പത്തുകൊല്ലം മുൻസിഫ്കോടതി വക്കീലായിരുന്നു് പ്രാക്ടീസ് ചെയ്തു പണം സമ്പാദിച്ചു് അതുകൊണ്ടു് ഉന്നതപരീക്ഷ പാസ്സായിവരാൻ

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സാധിക്കുന്നില്ലെങ്കിൽ അയാളെക്കൊണ്ട് ഒന്നിനും കൊള്ളുകയില്ലെന്നു വേണ്ടേ വിചാരിക്കാൻ?

MR. N. E. VARUGHESE (*Tiruvalla I*): പ്രായംകൊണ്ടും മറ്റു പരിതസ്ഥിതികൾകൊണ്ടും എല്ലാ അവസരങ്ങളിലും എല്ലാവർക്കും അതിന് സാധിച്ചില്ലെന്നു വന്നേക്കാം.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): അപ്പോൾ വിധിയെ നോക്കിയിരിക്കുകയാണെങ്കിൽ അതു വരുമ്പോൾ വന്നു കൊള്ളട്ടെ എന്ന് അടങ്ങിയിരിക്കുകയല്ലേ വേണ്ടത്?

MR. N. E. VARUGHESE (*Tiruvalla I*): അതിനു ഞാൻ മറുപടി പറയണമെന്നു വിചാരിക്കുന്നില്ല. നിയമജ്ഞന്മാരായവരുടെ ഒരു കൗൺസിൽക്കൂടി അവരുടെ നിയന്ത്രണത്തിൽ ഒരു പരീക്ഷാബോർഡ് ഏർപ്പെടുത്തി അവരാൽ നടത്തപ്പെടുന്ന പരീക്ഷയിൽ പാസാകുന്നവരെ അഡ്വക്കേറ്റായി നിയമിക്കണമെന്നാണ് ഇപ്പോഴത്തെ ഭേദഗതി.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഹൈക്കോടതി വക്കീലാകാൻ ഇപ്പോൾ വേറൊരു പരീക്ഷവേണമെന്നു പറയുന്നതെന്തിനാണ്?

MR. N. E. VARUGHESE (*Tiruvalla I*): നീതിവിരുദ്ധമായിട്ട് ഒന്നും പാടില്ലെന്നാണ് ഞാൻ പറയുന്നത്.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഇതുവരെയുള്ള നിയമങ്ങൾ എല്ലാം നീതിവിരുദ്ധമാണെന്നാണോ മെമ്പർ പറയുന്നത്?

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇതുവരെയുള്ളതെന്നുമാത്രമല്ല സകലതും നീതിവിരുദ്ധമാണ്. എന്നാൽ അവയെപ്പറ്റി പ്രതിഷേധങ്ങളുണ്ടാകുകയും അവ തെറ്റാണെന്നു ബോധപ്പെടുകയും ചെയ്യുമ്പോൾ ഭേദഗതി വരുത്തേണ്ടതു നിയമസഭയുടെ കർത്തവ്യം തന്നെ. അതിൽനിന്നും ഒരിക്കലും വ്യതിചലിച്ചുകൂടാത്തതാകുന്നു. നീതി നടത്തണം. അതിനപ്പുറമായി ഒരു തത്വവുമില്ല. ആ തത്വത്തെ യോഗ്യന്മാരായവർ ഒരിക്കലും നിഷേധിക്കരുതു. യോഗ്യന്മാരായ പ്ലീഡർമാർക്ക് ഹൈക്കോടതിയിൽ വ്യവഹരിക്കാൻ അവകാശം കൊടുക്കണമെന്നാവശ്യപ്പെടുമ്പോൾ അതിനനുവദിക്കണം. ഒരു പരീക്ഷ നടത്തിയാൽ അതിൽ ജയിക്കുന്നവരെ മാത്രം ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അഡ്വക്കേറ്റാക്കിയാൽ മതിയെന്നാണ് കമ്മിറ്റിയുടെ ഭൂരിപക്ഷം. എന്റെ മാന്യസ്നേഹിതൻ മി. കെ. സി എബ്രഹാം പരീക്ഷ നടത്തുന്നതു ശരിയായിരിക്കയില്ലെന്നു പറയുന്നതിൽ ഞാൻ അൽഭുതപ്പെടുന്നു.

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MR. K. C. ABRAHAM (*Kottayam II*) : ഞാൻ അതിനെപ്പറ്റി പറഞ്ഞിട്ടില്ല.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): യോഗ്യതയുള്ള എല്ലാ ആളുകളേയും ഹൈക്കോടതിയിൽ കടത്തിവിടണമെന്ന് സിലക്ട് കമ്മിറ്റിയിൽ നിന്നും ആവശ്യപ്പെട്ടതുണ്ടോ?

MR. N. E. VARUGHESE (*Tiruvalla I*) : ഇല്ല. ഒരു പരീക്ഷ ഏർപ്പെടുത്തി അതിൽ പാസാകുന്ന ഒന്നും രണ്ടും ഗ്രേഡ് വക്കീലന്മാരെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിന് അനുവദിക്കണമെന്ന് മാത്രമേ പറയുന്നുള്ളൂ.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഇതുവരെ നടത്തിയിട്ടുള്ള —

PRESIDENT : I think, that is degenerating into dialogue. The honourable member will proceed.

MR. N. E. VARUGHESE (*Tiruvalla I*) : സിലക്ട് കമ്മിറ്റി ചെയ്യുന്ന തീരുമാനങ്ങളെ തക്കതായ കാരണങ്ങളാൽ മാത്രമേ ഭേദഗതി ചെയ്യാവൂ എന്ന ഈ സഭയിൽ പലപ്പോഴും അഭിപ്രായപ്പെട്ടിട്ടുള്ളതായി ഞാൻ കേട്ടിട്ടുണ്ട്. പണ്ഡിതനായ ലാമെമ്പർ തിരഞ്ഞെടുത്ത ഒരു കമ്മിറ്റി ഗാഢമായി ആലോചിച്ച ഭൂരിപക്ഷത്താൽ തീരുമാനപ്പെടുത്തിയ ഒരു ഭേദഗതിയാണ് ഇത്. അതിനെ നാം അവഗണിച്ച തള്ളിക്കളയുന്നതിനു തക്കതായ ന്യായങ്ങൾ ഈ സഭയുടെ ദൃഷ്ടിയിൽ കൊണ്ടുവരേണ്ടതായിരുന്നു. ലാമെമ്പർ ഇതിനു എതിരായിരിക്കുന്നുവെങ്കിൽ നിശ്ചയമായും അദ്ദേഹം ഒരു ഡിസെൻറിങ്ങ് മിനിട്ട് ഇതിൽ ചേർക്കുമായിരുന്നു. അതിനാൽ സിലക്ട് കമ്മിറ്റി ഗാഢമായി ആലോചിച്ച ചേർത്തിട്ടുള്ള ഒരു ഭേദഗതിയെ അനുകൂലിക്കാതിരിക്കുവാൻ നമുക്കു നിവൃത്തിയില്ല.

ഒന്നാംതരത്തിലും രണ്ടാംതരത്തിലുമുള്ള രണ്ടു സാധനങ്ങളെപ്പറ്റി ഇവിടെ പറഞ്ഞതായി കേട്ടു. ഒരു സാധനം ഒന്നാംതരമോ രണ്ടാംതരമോ എന്നു നിർണ്ണയിക്കുന്നതിനു ഒരു മാനദണ്ഡം ആവശ്യമാണ്. പ്രഥമദൃഷ്ടിയിൽതന്നെ ഏതു തരമാണെന്നു നിർണ്ണയിക്കുവാൻ എന്നുള്ളതു അത്ര എളുപ്പമുള്ള ഒന്നല്ല. സിലക്ട് കമ്മിറ്റി പറയുന്നതു ഒരു പരീക്ഷ ഏർപ്പെടുത്തി ഒന്നാംതരമാണെന്നു കാണുന്നതിനെ ഒന്നാംതരത്തിൽ ചേർക്കുക എന്നാണ്. രണ്ടാംതരം സാധനങ്ങളെ ഒന്നാംതരമായി ഗണിക്കണമെന്ന് അതും പറയുന്നില്ല. ഈ വക കാര്യങ്ങളെപ്പറ്റിയെല്ലാം ആലോചിച്ചശേഷം നീതിബോധം എന്നെ പ്രേരിപ്പിക്കുന്നതുകൊണ്ടു മി. കെ. സി. എബ്രഹാം ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ

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ഞാൻ എതുക്കുകതന്നെ ചെയ്യുന്നു. ഈ സഭ സിലക റു കമ്മിറിയുടെ ഭേഗതിയെ അനുകൂലിച്ചു വോട്ടുചെയ്യുമെന്നു വിശ്വസിച്ചുകൊണ്ടു വിരമിച്ചുകൊള്ളുന്നു.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, it was mentioned by some honourable members in this House that this clause, coming as it does with the approval of the Select Committee, has to be respected. Honourable members seem to think that there is sanctity attached to whatever is done by the Select Committee. Sir, throughout my career as a member of this House I have been advocating or trying to inculcate this idea into the minds of the honourable members that no undue sanctity should be permitted to be attached to anything and everything done by Select Committees. This, I thought, was due to a feeling peculiar to myself, a feeling engendered in my mind on account of the very rare opportunity I had of being a member of the various Select Committees. This opportunity given to me now tells me that there is soming inherently defective in the manner in which things are done in the Select Committees. As a member of the Select Committee on this Bill, I had the opportunity of expressing my dissent to the proposal that was made. I do not want to mention any secrets. All that I submit is, on the first day.....

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On a point of order, Sir. It is not at all proper that what took place in the Select Committee should be mentioned on the floor of this House, except to the extent incorporated in the Report of the Select Committee.

PRESIDENT: Generally speaking, it is expedient to follow that rule.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I shall state only what is absolutely necessary.

PRESIDENT: However necessary, it is better you do not refer to what took place in the Select Committee; because once a prominent member like you does it, others will surely follow.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Anyway I may be permitted to submit that much importance should not be attached to the Reports of Select Committees. And, I may point out that, in the case of this Bill three of us have distinctly stated, in the Select Committee Report, that we accepted the Bill only subject to the amendments we might move in this House.

Upon the question of accepting or rejecting the present amendment, I have only a word to submit. In deciding the question we are not to be moved by any personal considerations. Sir, many of the second and first grade pleaders, who are entitled to practise only in the lower courts now, are my friends. We have got the greatest respect for several of them. But that consideration should not weigh with us now. Is it in the interests of justice? Is it in the interests of public good? Is it consistent with progressive ideas and ideals? These are the matters that ought to weigh with us and not that we have got many

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[Mr. Puthupalli S. Krishna Pillai.]

friends among the pleaders and have great admiration for them. If these are the principles that are to guide us in this matter, I submit, Sir, that no member of this House will feel any hesitation in accepting the amendment now moved by Mr. Abraham.

MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I oppose the amendment moved by Mr. K. C. Abraham. We all know that he is a member of the High Court Bar and that the High Court Bar Association has passed a resolution against the amendment made by the Select Committee. It is as a result of that resolution that he has brought in the present amendment. For my part, I thought that Mr. Abraham was not serious when he moved his amendment. School Finals are allowed to sit for the advocates' examination held by the Bombay Bar Council and if they pass and become advocates of the Bombay High Court, they can immediately become advocates of the Travancore High Court also on payment of the prescribed fees. The present provision does not prohibit such members of the Bombay High Court from becoming members of the Travancore High Court Bar as advocates under this provision.

Sir, we the second grade and first grade pleaders of Travancore have studied more about Travancore Law, in our law course, than the B. L. students. Our Bar Council Bill applies only to the Travancore High Court; and we are more qualified to deal with Travancore Laws than the B. L's. We are more competent to deal with and handle medico legal cases and we know more of procedure than B. L's because we have been taught these subjects in our law course. They are taught the science of foreign laws which are of little use to us.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know who taught them those subjects, Graduates-in-law or pleaders?

MR. A. EASWARA PILLAI (*Kalkulam II*): Medical Jurisprudence was not taught by Graduates-in-law, I am sure.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Who taught them procedure?

MR. A. EASWARA PILLAI (*Kalkulam II*): I lay more stress on Medical Jurisprudence.

MR. P. C. KURIYAN (*Kottayam I*): Who taught them Medical Jurisprudence, graduates in medicine or non-graduates?

MR. A. EASWARA PILLAI (*Kalkulam II*): Anyhow, they are not Graduates-in-law.

Sir, unless provision is introduced in the Bill, prohibiting the advocates of the Bombay High Court from practising in our High Court, I cannot understand the logic in Mr. Abraham's argument. By spending a few rupees more 2nd grade pleaders could become advocates here also. So, I strongly oppose the amendment.

The amendment was put to the vote of the House and carried.

MR. S. J. NAIR (*Nedumangad*): I demand a poll.

PRESIDENT: I waited for two minutes; no demand was made. (*Cries of "We do not want a poll"*). Mr. S. J. Nair has demanded it.

MR. S. J. NAIR (*Nedumangad*): I do not press for it, Sir.

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MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I move the following amendment:

In Clause 9, add as sub-clause (3) the following:

"*Such rules shall also provide for the second grade pleaders enrolled as vakils in any Munsiff's Courts in Travancore before the 1st day of Chingam 1113 M. E., being qualified to apply for admission as vakils of the District Court as the result of an examination held from time to time by or under the supervison of the Council.*

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to a point of order. Under Standing Order 25, an amendment must be relevant to and within the scope of the subject-matter of the Clause or motion to which it relates. This amendment does not deal with the qualifications of advocates at all. Clause 9 deals with the qualifications of advocates. This amendment deals with the permission that is to be granted to second grade pleaders to practise in District Courts. That has nothing to do with Clause 9. As such it cannot be an amendment to Clause 9. Clause 9 deals with advocates; this deals with non-advocates.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it seems to me that this amendment is within the scope of this Bill. This Bill deals with the class of persons who are entitled to appear in the High Court, and in the subordinate courts. Clause 8 reads—

"No person shall be entitled as of right to practise in the High Court or in any of the Courts subordinate there to unless his name is entered in the roll of advocates maintained under this Regulation."

Thus, this Bill provides for the qualifications of those persons who are entitled to appear not merely in the High Court but also in the subordinate courts. That being so, it seems to me that the Bar Council, which is the authority to fix the qualifications of persons who may appear before the High Court and those who may appear before the subordinate courts, may make rules under Clause 9 in regard to that class of persons who may appear before the subordinate courts.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, this amendment relates to Clause 9 specifically and not to Clause 8 or the whole Bill.

PRESIDENT: Clause 9, taken in conjunction with Clause 8, makes it clear that the Bill is concerned not only with advocates but with categories of persons other than advocates, and their rights, or the preservation of their rights, to practise. Viewed in that manner, although it may be said that in Clause 9 this particular matter does not come in, yet, taking Clause 8 and Clause 9 together as a code in regard to practice in courts, I think the amendment sought to be moved is admissible and within the scope and ambit of the Bill. I rule accordingly.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, this amendment is intended to make some provision for enabling the second grade pleaders practising in the District Munsiff's Courts in the State to plead in the District Courts. Sir, I have clearly stated in the amendment that I have absolutely no objection to prescribe an examination by the Bar Council for this purpose, to keep up the efficiency of the District

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[Mr. T. P. Velayudhan Pillai.]

Court Bar. Let us consider this qestion on its merits. Since the pleadership examination has been abolished, there need not be any fear in the minds of anybody that the District Court Bar will become overcrowded as the result of this change. If the second grade pleaders are given opportunities to improve their outlook and better their fortunes, that will certainly serve the interests of the public in manifold ways; because it is just possible that at least a few of them might be persuaded to keep up their legal studies, if a chance is provided to them for admission to the District Court Bar. The Travancore High Court have recognised this principle in the past when those who were able to secure fifty per cent. of the marks in the pleadership examination or those practising in the Munsiff's Court for five years, were permitted to practise in the District Courts without any special examination. Thus the principle underlying this amendment was accepted by the Travancore High Court. This system was stopped in the year 1911. It is clear that a vested right of the second grade pleaders was taken away from them without any compensation. So, I submit that it is only just and proper that they are given the opportunity for improving their condition.

Another point is that originally the pecuniary jurisdiction of the Munsiffs' Courts was Rs. 500. This was raised from Rs. 500 to Rs. 2,000. It is understood that it is going to be further raised to Rs. 2,500. It is unjust to any class of people to be told that they will be allowed to deal with cases to a maximum limit of Rs. 2,000, only, and that if the value of the subject matter of the suit is more than Rs. 2,000, they will not be allowed.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*) : Is the member aware that the jurisdiction of the Devicolam Munsiff is Rs. 5,000 ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, Sir. Some of the Munsiffs Courts are even to-day having jurisdiction to try cases up to a limit of Rs. 5,000. And the second grade pleaders *are* allowed to practise in those courts. Moreover, the complicated nature of the questions of law and fact is not at all dependent on the value of the suit. It may be the same whether the case be of the value of Rs. 100 or Rs. 1,000 or Rs. 5,000. It is the duty of the State to see that a person following any profession in life is given opportunities to improve his outlook and better his fortune. Otherwise his head and heart will both deteriorate.

Sir, in 1101, the elected respresentatives of the S. M. P. A. submitted a written representation to Government to the effect that steps be taken to enable the second grade pleaders to practise before the District Courts. In the old Legislative Council, as in the present Assembly, many of the honourable members have been urging upon the attention of Government the urgent necessity for making some provision to enable the second grade pleaders to practise before the

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District Courts. I would appeal to the honourable members of the Assembly to sympathetically and generously consider this question and accept my amendment without any division. This is not at all against the principles of public policy or professional requirements. Sir, I fail to see the reason why the first and second grade pleaders alone should end their lives as pleaders when matriculates have become eminent Judges, when Hospital Assistants are becoming Assistant Surgeons and maistries become Assistant Engineers simply because of their ability, practice and experience.

Mr. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): ഞാൻ ഈ അമൻഡുമൻറിനെ പിൻതാങ്ങുന്നു.

Mr. A. S. DAMODARAN ASAN (*Mavelikara*): I support the amendment.

PRESIDENT: Honourable members may recollect that practically the subject matter of this amendment also has been discussed under the previous amendment. If honourable members have something new to say they may do so.

Mr. S. J. NAIR (*Nedumangad*): Sir, something is better than nothing. Sir, since the amendment made in the Bill to Clause 9 as sub-clause (3) by the Select Committee has been vetoed it is better to have at least this. I hope that a better day will come to enable me to plead for the cause of the pleaders to practise before the High Court.

Mr. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): There is one objection to the present clause. We do not propose to repeal the Vakil's Regulation. Only such portions of the Regulation dealing with advocates who have a right to practise before the High Court are sought to be amended. The remaining sections of the Regulation will be left as they are. It is the High Court who have to frame rules for the enrolment of the first and second grade pleaders. That power is not sought to be taken away by the passing of this Bill. We have to remember that we are dealing with advocates. Members of the Bar Council have to make rules only for the enrolment of the advocates and they have nothing to do with enrolment of second grade pleaders as vakils of the District Courts. The members of the Bar Council will, under the amendment now carried, have to lay down rules for the purpose of admitting persons who are not members of the Council. In other words, you are compelling the members of the Bar Council to frame rules for the sake of persons who have nothing to do with the Bar Council and who are under the diciplinary control of the High Court. The first and second grade pleaders are under the jurisdiction of the High Court, and the Bar Council has nothing to do with them. As long as they are in possession of a *sanad*, they will be entitled to practise before the Munsiffs' and District Courts. This House does not want to take away that right. That idea is contained in the proviso. They are under the disciplinary control and jurisdiction of the High Court. A Munsiff can report about the misconduct of the pleaders,

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[Mr. Puthupalli S. Krishna Pillai.]

and the High Court will look into the matter. That matter need not go to the Bar Council at all That being the case, why should the Bar Council be compelled to enact rules for persons who have nothing to do with the Bar Council. That is a position which I cannot understand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I also wish to submit one word. Under Section 8, no person shall be entitled as of right to practise in the High Court or in any of the courts subordinate thereto, unless his name is entered in the roll of advocates maintained under this Regulation. The first proviso says "provided that those who are enrolled before as vakils of any Court subordinate to the High Court but are not eligible for enrolment as advocates shall be entitled to practise as vakils so long as their enrolment remains in force." If Section 8 comes into effect, there can be only one kind of enrolment *viz.*, the enrolment of advocates. If a person is already a second grade pleader, he can continue as such. Similarly in the case of first grade pleaders. And there is no provision for enrolment of any class of pleaders other than advocates. In support of this, I would draw the attention of the House to another sub-clause. By the Schedule, Clauses (*b*), (*c*), (*d*) & (*e*) (both the columns) under Article 30 of the Stamp Regulation are to be deleted. They relate to the stamp fees payable for enrolment as Munsiffs' Court Vakils and District Court Vakils. Those Clauses are no more necessary because there is provision in the Regulation only for enrolment as advocates. Therefore under Clause 8 there is a statutory prohibition against the enrolment of any person as a vakil of the District Court or as a vakil of the Munsiffs' Court. Clause 8 is definite on that point. While clause (2) in Section 9 says that the Bar Council is to prescribe the qualifications for enrolment as advocates, we have now added a sub-clause that the Bar Council may hold examinations and declare any second grade pleader as being qualified to practise in District Courts. The Bar Council may declare like that. But, Section 5 of the Vakils' Regulation is to be deleted under this Bill. Therefore the point raised by my friend Mr. Puthupalli Krishna Pillai does not arise.

Even if the Bar Council has to frame rules and to hold examinations as provided for under this sub-clause, the point is that —

PRESIDENT : Your point is that there *must* be an affirmative legislation regarding enrolment of pleaders as District Court Vakils ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Yes, Sir. In the absence of such a provision, this amedment which was now carried, is not going to benefit the parties concerned. It will also appear incongruous.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. T. P. Velayudhan Pillai's amendment, to the effect that second grade pleaders may be allowed to be enrolled as District Court Vakils after they pass an examination to be held by the Bar

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Council, is very reasonable and consistent with the assurance given on behalf of Government on the last occasion when the matter was raised by Mr. S. J. Nair. In regard to the difficulties raised by Messrs. Puthupalli Krishna Pillai and Asan, all that the amendment says is the Bar Council shall have the powers to test the eligibility of the pleaders to become vakils of the District Court. The Bar Council is an expert body, something like a University or the Council of Legal Education. They will test whether these people have the ability to practise before District Courts. Necessary consequential amendments will be made at the third reading of the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): But do they become members of the Bar Council ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then, how can the Bar Council lay down rules for people who are not members of the Bar Council, and over whom they have no control ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is merely provided that, by means of an examination, their eligibility to become first grade pleaders will be determined. As for disciplinary control, even now they are under the High Court; and they will continue like that. Provision may be required to provide for their enrolment as District Court Vakils. For that purpose, amendments may be moved in the subsequent clauses.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In regard to the amendment itself, I have to make a suggestion for the consideration of the Law Member.

The amendment of Mr. Velayudhan Pillai evidently means that all vakils enrolled as such should sit for the examinations to be held. I think power should be given to the Bar Council to impose restrictions such as "only vakils of 10 years' standing or of some definite number of years' standing can sit for the examination". Therefore, I suggest to the Law Member that the following words may be added at the end of Mr. T. P. Velayudhan Pillai's amendment—

"subject to such conditions as may be prescribed by the Bar Council"

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall consider that also.

The amendment was put to the vote of the House and carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I move the following amendment:

In Clause 9, add the following as sub-clause (4):—

"*Notwithstanding anything contained in the Section or in any other provision of this Regulation, until the first rules under this Section come into force, the High Court shall have power to admit as advocates persons who, in the opinion of the High Court, are duly qualified for the same,*"

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[Mr. A. S. Damodaran Asan.]

According to the scheme of the Bar Council Bill, it will be found that after the Bill comes into force, that is, after Clauses 8—16 are brought into effect the Bar Council will have to prescribe rules with the previous approval of the High Court and examinations have to be conducted by them. It is only after that, that advocates could be enrolled. With regard to the persons who had a right to practise in the High Court before the date on which Section 8 comes into force, they can be enrolled as advocates. But the subsequent enrolment has to wait until the Bar Council prescribes rules and after they come into force proper examinations have to be held for enrolment. Necessarily a long period will have to elapse during which time the enrolment as advocates has to be suspended. Under Clause 8 persons eligible to be enrolled as advocates but are not yet High Court Vakils, will have no right to practise even in subordinate courts until they are enrolled as advocates. In addition to the persons who want to join the profession of law, there are persons who are already in that profession, who will also be disabled under Section 8. It is not right that persons, who are desirous to become advocates, should be asked to wait until the rules under Clause 9 (1) are brought into effect. So, all that I wish to convey by this amendment is to give power to the High Court to enroll advocates, until the rules under sub-section 9 (1) are brought into effect. With these words I move the amendment for the acceptance of the House.

PRESIDENT: As the time is 3.30 we will now proceed to the discussion of the adjournment motion.

ADJOURNMENT MOTION.

ARRANGEMENTS FOR THE CONDUCT OF ELECTIONS TO THE LEGISLATURE.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): Sir, I move the following motion:

> "I beg leave to move the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely the unsatisfactory nature of the arrangements for the conduct of election to the legislative bodies as disclosed by the recent publication of the preliminary electoral roll and the fixing of the polling stations."

I may say at the outset that even though the motion I have moved is comprehensive enough to include the electoral roll in respect of the elections to both the Houses of Legislature, I shall confine myself particularly to the election and the arrangements proposed to be made with respect to the elections to the Sri Chitra S ate Council.

MR. S. J. NAIR (*Nedumangad*): May I know the special reason which prompts the member to discuss that aspect of the question alone?

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): As a respectable voter to the Sri Chitra State Council and as a member of this Assembly I think even apart from the question of any special interest that

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